

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR BALANCING DISTRIBUTED APPLICATIONS**; the specification of which was filed May 30, 2000 as Application Serial No. 09/583,064.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Gary Logston

Inventor's signature

Date November 1, 2000

Residence: 17027 Alderwood Lane, Poway, California 92064

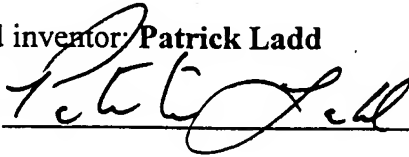
Citizenship: UNITED STATES

Post Office Address: (Same as above)

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Full name of second inventor: **Patrick Ladd**

Inventor's signature



Date

11/1/00

Residence: 1718 Medinah Road, San Marcos, California 92069

Citizenship: UNITED STATES

Post Office Address: (Same as above)

Send Correspondence To:

Robert F. Gazdzinski, Esq.
Gazdzinski & Associates
3914 Murphy Canyon Road, Suite A232
San Diego, CA 92123
Telephone No. 858-505-1167
Facsimile No. 858-505-1168

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
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JANUARY 26, 2001

PTAS

GAZDZINSKI & ASSOCIATES
ROBERT F. GAZDZINSKI, ESQ.
3914 MURPHY CANYON ROAD
SUITE A232
SAN DIEGO, CA 92123



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**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/08/2000

REEL/FRAME: 011262/0990

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
LOGSTON, GARY

DOC DATE: 11/01/2000

ASSIGNOR:
LADD, PATRICK

DOC DATE: 11/01/2000

ASSIGNEE:
TRANCEIVE TECHNOLOGIES, INC.
2382 FARADAY AVENUE, SUITE 300
ONE CARLSBAD RESEARCH CENTER
CARLSBAD, CALIFORNIA 92008

SERIAL NUMBER: 09583064
PATENT NUMBER:

FILING DATE: 05/30/2000
ISSUE DATE:

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TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

11-27-2000

I



LET

101527863

11-8-00

CLIENT CODE: TRAN.001A (formerly TRAN-001-PAP)

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Gary Logston and Patrick Ladd

Additional name(s) of conveying party(ies) attached?

() Yes (X) No

2. Name and address of receiving party(ies):

Name: Tranceive Technologies, Inc.

Street Address: One Carlsbad Research Center

2382 Faraday Avenue, Suite 300

City: Carlsbad State: CA ZIP: 92008

Additional name(s) of receiving party(ies) attached?

() Yes (X) No



3. Nature of conveyance:

- (X) Assignment
() Merger
() Security Agreement
() Change of Name
() Other:

4. Application number(s) or patent number(s):

() Application filed herewith

(X) Patent Application No(s): 09/583,064

() Patent No(s):

Execution Date: November 1, 2000

Additional numbers attached? () Yes (X) No

5. Name and address of party to whom correspondence concernin document should be mailed:

Name: Robert F. Gazdzinski, Esq.

Internal Address: GAZDZINSKI & ASSOCIATES

Street Address: 3914 Murphy Canyon Road, Suite A232

City: San Diego State: CA ZIP: 92123

7. Total fee (37 CFR 3.41): \$40.00

(X) Please charge our Deposit Account No. 501423 for additional fees which may be required or credit our account for any overpayment. (A copy of this page is attached for this purpose).

6. Total number of applications and patents involved: 1

8. Deposit account number:

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Name of Person Signing

Robert F. Gazdzinski; Reg. No. 39,990

11/6/00
Date

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

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11/13/2000 GTEFFERA 00000051 09583064

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Application No.: 09/583,064
Filing Date: May 30, 2000

PATENT
Client Code: TRAN-001-PAP
Page 1

ASSIGNMENT

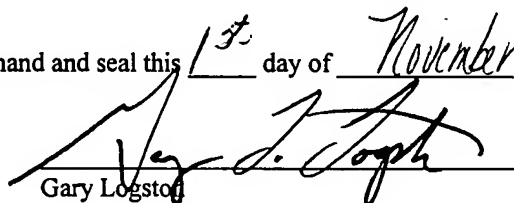
WHEREAS, We, Gary Logston, a United States citizen, residing at 17207 Alderwood Lane, Poway, California 92064, United States and Patrick Ladd, a United States citizen, residing at 1718 Medinah Road, San Marcos, California 92069, United States, have invented certain new and useful improvements in a METHOD AND APPARATUS FOR BALANCING DISTRIBUTED APPLICATIONS for which we have filed an application for Letters Patent in the United States, Application No. 09/583,064, filed May 30, 2000;

AND WHEREAS, TRANCEIVE TECHNOLOGIES, INC. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at One Carlsbad Research Center, 2382 Faraday Avenue, Suite 300, Carlsbad, California 92008, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 1st day of November 2000.

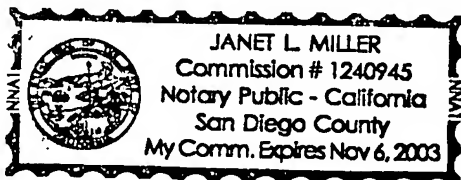

Gary Logston

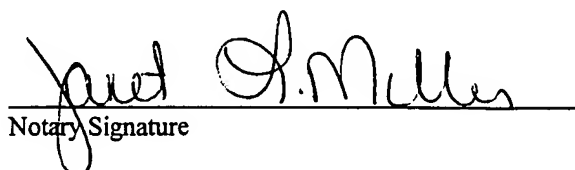
STATE OF California
COUNTY OF San Diego] ss.

On 11-1-00, before me, Janet L. Miller, personally appeared Gary Logston ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

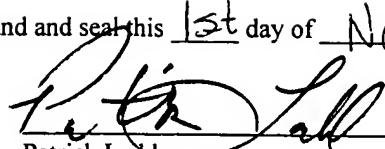



Notary Signature

Application No.: 09/583,064
Filing Date: May 30, 2000

PATENT
Client Code: TRAN-001-PAP
Page 2

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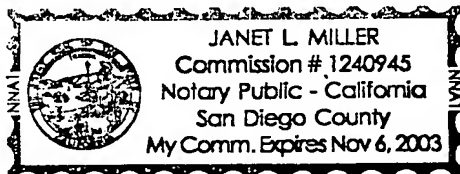

Patrick Ladd

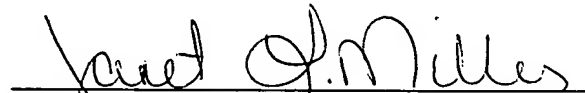
STATE OF California
COUNTY OF San Diego ss.

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WITNESS my hand and official seal.

[SEAL]




Notary Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gary Logston, et al.)
App. No. : 09/583,064)
Filed : May 30, 2000)
For : METHOD AND APPARATUS FOR)
BALANCING DISTRIBUTED)
APPLICATIONS)
Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of GAZDZINSKI & ASSOCIATES, 3914 Murphy Canyon Road, Suite A232, San Diego, California 92123, Telephone (858) 505-1167, including Robert F. Gazdzinski, Registration Number 39,990, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with

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App. No. : 09/583,064
Filed : May 30, 2000

the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

TRANCEIVE TECHNOLOGIES, INC.

Dated: 11/2/00

By: Steven R. Norsworthy
Steven R. Norsworthy
Title: Chief Executive Officer
Address: One Carlsbad Research Center
2382 Faraday Avenue, Suite 300
Carlsbad, CA 92008

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